

CATEGORICAL EXCLUSION

CE Number: DOI-BLM-ID-I020-2014-0036-CX

Title of Action: Mountain Sweeties Inc. Apiary Land Use Permit

Project/Case File Number: IDI-37733

Preparer: Heather Schlenker, Realty Specialist

Date of Preparation: May 5, 2014

DESCRIPTION OF PROPOSED ACTION:

On April 14, Patrick Combs, with Mountain Sweeties Inc., filed a Land Use Application and Permit (Form 2920-1) to request an authorization for apiary use. The permit would allow the use of public land for beekeeping and stockpiling unproductive hives.

The bee hives would be placed on site from April through October of each year. The LUP encumbers approximately 0.5 acres of public land in Bannock County, Idaho. The legal description is as follows:

Boise Meridian, Idaho (see Exhibits A, A-1)
T. 9 S., R. 35 E.,
sec. 27, NWNW;
T. 9 S., R. 37 E.,
sec. 5, lot 1.

The issuance of this permit would be authorized under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), and the current regulations found at 43 CFR 2920.7(i). Rent would be collected according to regulations found at 43 CFR 2920.8 and BLM Idaho State Office Guidance outlined in Information Bulletin No. ID-2011-028 *Guidance for Determining Rental Fees for Section 203(b) Permits and for Stipulations Pertaining to Apiary Sites*.

CONSULTATION AND COORDINATION:

A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Pocatello Field Office webpages.

FINDING & RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, E 19, for issuance of short term rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes such rehabilitation to restore the land to its natural or original condition. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

I recommend that a Land Use Permit be authorized to Mountain Sweeties for apiary use subject to the attached current terms and conditions (Exhibit B) for approximately 3 years,

expiring October 15, 2017

The permit would be processed under authority of Public Law 94-579(Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761 and current regulations found at 43 CFR 2920.

Annual rental would be required in accordance with 43 CFR 2920.8 and BLM Idaho State Office Guidance outlined in Information Bulletin No. ID-2011-028 *Guidance for Determining Rental Fees for Section 203(b) Permits and for Stipulations Pertaining to Apiary Sites*. Annual rental for beekeeping is \$70 per site and stockpiling is \$75 per site.

DECISION AND RATIONALE FOR THE DECISION AND LAND USE PLAN CONFORMANCE- POCATELLO FIELD OFFICE

It is my decision to issue a land use authorization to Mountain Sweeties Inc. (IDI-37733), allowing for apiary use on public lands. The permit will be granted for approximately 3 years. Approval of the requested authorization does not authorize any new ground disturbance and therefore would cause no significant environmental disturbance. This action qualifies as a categorical exclusion as contained in 516 DM 2, E 19 and none of the exceptions in 43 Code of Federal Regulations (CFR) 46.215 apply.

LAND USE PLAN CONFORMANCE:

The proposed action is in conformance with Pocatello Resource Management Plan (2012). *"For right-of-ways (ROW's) which include energy and non-energy related ROW's and Land Use Authorizations (LUA's), 590,000 acres will be managed as Open Areas; 21,900 acres will be managed as Avoidance Areas and 1,900 acres will be managed as Exclusion Areas these areas are defined as follows:"*

"Open Areas – These are areas not identified as avoidance or exclusion areas and are open to ROWs and land use authorization proposals."

APPEALS INFORMATION:

Appeals information can be found at 43 CFR part 4.




Heather Schlenker, Realty Specialist

Date: 5/8/14



Blaine Newman, NEPA Reviewer

Date: 5/8/14


(For) David A. Pacioretti, Field Manager
Date: 5/8/14

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(43 Code of Federal Regulations (CFR) 46.215)

The action described in categorical exclusion # **DOI-BLM-ID-I020-2014-0036-CX (IDI-37733)** has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
1	Have significant impacts on public health or safety. <i>The proposed action will have no significant impacts on health or safety of the public.</i>		X
2	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <i>No wilderness, wilderness study areas and wild and scenic rivers are present near the project area. The LUP proposal would not impede opportunities for recreation.</i> <i>This project is not located within an Area of Critical Environmental Concern (ACEC) or Research Natural Area (RNA). No new disturbance would be authorized; as a result, no significant impacts to riparian-wetland areas would occur.</i> <i>Although migratory birds are present within the project area, no new disturbance would be authorized; as a result, no significant impacts to migratory birds would be expected.</i> <i>No known historic or cultural resources are located within the project area. This action is exempted under of the State Protocol agreement between BLM and Idaho State Historic Preservation Offices (SHPO)(exemption #25).</i>		X
3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. <i>Action will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. No known highly controversial or potentially significant environmental effects should result from the issuing of the LUP.</i>		X
4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>No known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks should result from the issuing of the LUP.</i>		X
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>There would be no new ground disturbing activities as a result of the action. The</i>		X

DM #	Extraordinary Circumstance	YES	NO
	<i>proposed action would not establish a precedent for future actions. Standard terms and conditions for apiaries would be implemented in the same manner as other authorized apiaries. However, any new ground disturbing activities would be addressed and new NEPA would be required and effects evaluated.</i>		
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. No cumulatively significant effects are anticipated.</i>		X
7	Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office. <i>As there are no known historic properties listed or eligible for listing on the NRHP located in the project area, the proposed action would have no significant impacts.</i>		X
8	Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species. <i>There are no T&E species or critical habitat present within the project area, no significant impacts to these species would be expected.</i> <i>The wolverine is proposed to be listed. The proposed project is located in an area that wolverine may travel through to access suitable habitat. The U.S. Fish & Wildlife Service determined that infrastructure development (buried pipeline) does not pose a threat to wolverine (US Department of Fish and Wildlife Service)</i> <i>Proposed Rule: Endangered and Threatened Wildlife and Plants; Threatened Status for the Distinct Population Segment of the North American Wolverine occurring in the Contiguous United States. Federal Register Vol. 78, No. 23. Monday, February 4, 2013.</i>		X
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action does not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated.</i>		X
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would have no adverse effect on low income or minority populations.</i>		X
11	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). <i>There are no sacred sites known to occur in the project area. Furthermore, the project will not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
12	<p>Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).</p> <p><i>The placement of the bee hives will not create any new disturbance. Standard terms and conditions for apiary sites are included in the authorization. The proposed action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species.</i></p>		X

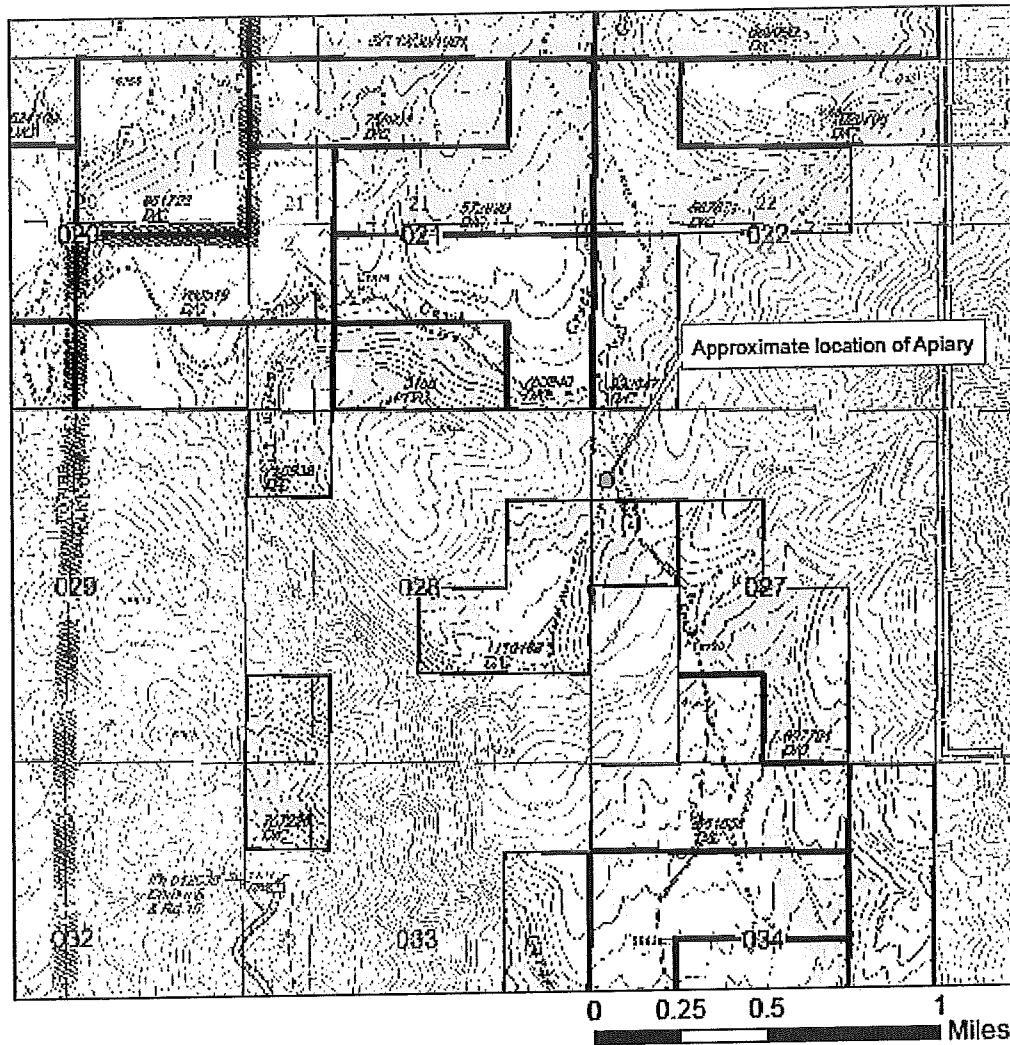


T. 9 S., R.35 E., sec.27, NWNW.
Bannock County/ Garden Creek

Exhibit A

5/7/2014 HS

Mountain Sweeties Apiary



Legend

Bureau of Land Management
Private
State of Idaho
US Forest Service



U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF LAND MANAGEMENT
GARDEN CREEK, IDAHO
5/7/2014 HS



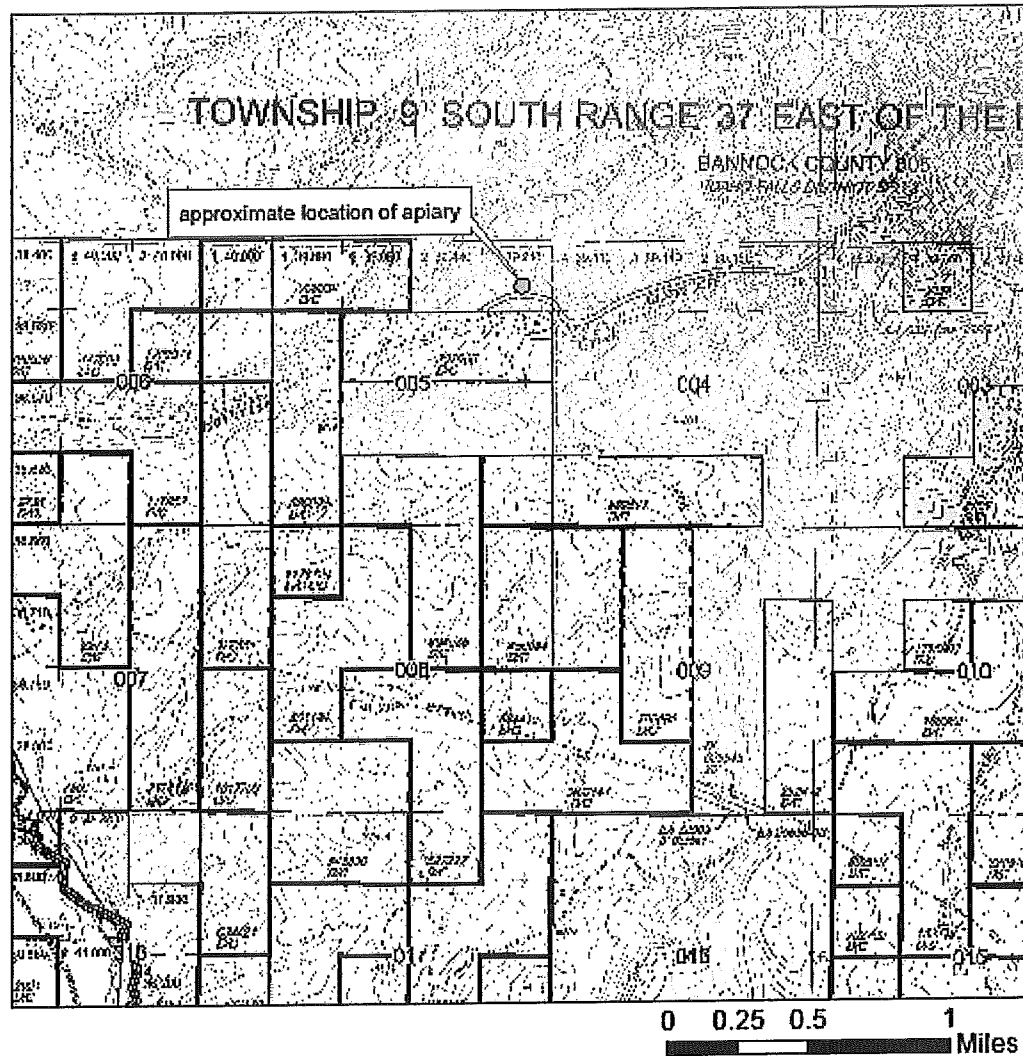


T. 9 S., R.37 E., sec.5, lot 1.
Bannock County/ Harkness Canyon

Exhibit A-1

5/7/2014 HS

Mountain Sweeties Apiary



Legend

Bureau of Land Management
Private
State of Idaho
US Forest Service



BLM Bannock County Office, 1000 E. 1st St., P.O. Box 1000, Boise, ID 83722-1000. Tel: 208/333-1000. Fax: 208/333-1001. Email: bannock@blm.gov



EXHIBIT B
STIPULATIONS
IDI-37733

1. This land use permit is subject to all valid existing rights and shall not excuse the holders from obtaining any additional approvals lawfully required by the BLM or other federal, state, or local agencies.
2. The permittee will not make any changes in roads leading to or near the subject lands or be allowed to construct new roads, without prior written authorization from the BLM Authorized Officer.
3. The permittee will place honey bee colonies in areas where no vegetation will need to be cleared except the mowing of grasses either with hand equipment (such as a hand scythe, weed-eater, etc.), or with mowing machinery, for fire protection, if allowable. No removal of vegetation which includes soil disturbance such as blading is allowed and no leveling of the site is allowed without prior written authorization from the BLM Authorized Officer.
4. The permittee will take every precaution to prevent fires. This includes, but is not limited to, ensuring proper spark arresters on all internal combustion engines, proper use of all bee smokers, including properly extinguishing the smoker when moving between hives, and any other activities which they or their employees might engage in during their use of the public lands. Further, the permittee shall be responsible for the cost of suppression of all fires set or caused by themselves or their employees.
5. The permittee will maintain the site in a sanitary condition at all times; waste materials will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.
6. The permittee will keep the site free from all safety and health hazards or problems not inherent in apiary use.
7. Apiary sites will be restricted to a maximum area of 100 feet by 100 feet. The number of colonies per site will not exceed 80.
8. The permittee will not place bee colonies within 100 feet of any public access road, dwelling, farm building or stock watering source.
9. Colonies authorized by this permit will not be placed within a ½ mile radius of any other apiary belonging to someone other than the permittee.
10. In the event of conflict with other valid existing uses, the Authorized Officer may require apiary sites be moved to another location.

11. The permittee shall be responsible for weed control on disturbed areas within the limits of the lease area. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the lease stipulations).

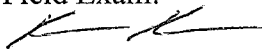
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

THREATENED AND ENDANGERED PLANT CLEARANCE WORKSHEET

PART I. (To be completed by Requestor)

<u>Project Title:</u> Mountain Sweeties Inc. Apiary Land Use Permit	<u>Charging Code:</u>	<u>Legal Description</u> (attach map) T. 9 S., R. 35 E., sec. 27, NWNW; T. 9 S., R. 37 E., sec. 5, lot 1.
<u>Project/Action Description</u> On April 14, Patrick Combs, with Mountain Sweeties Inc., filed a Land Use Application and Permit (Form 2920-1) to request an authorization for apiary use. The permit would allow the use of public land for beekeeping and stockpiling unproductive hives.		
Date Clearance Requested by: 5/9/2014		

PART II: (To be completed by Resource Specialist)

<input checked="checked" type="checkbox"/> Full Clearance <input type="checkbox"/> Conditional Clearance <input type="checkbox"/> Negative Clearance	Individual Making Field Exam: Karen Kraus  Range Technician	Date: 5/15/2014
<u>Reason for Specified Clearance:</u> There are no known special status plants within the project area.		
<u>Vegetation Type:</u> Mountain shrub		
<u>Special Conditions (if any):</u> NA		
Endangered and threatened plant clearance will indicate the above action has no impact upon endangered, threatened, or State-sensitive plant, or that impacts have been satisfactorily resolved. A conditional or negative clearance will indicate that problems are not resolved and further steps must be taken to mitigate the impact. If mitigation is not possible, then the project or action shall be canceled.		